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**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF UTAH**

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**DEAN H. CHRISTENSEN,**

**Plaintiff,**

**vs.**

**HARVEY COHEN and DOES 1-10  
inclusive,**

**Defendants.**

**ORDER ADOPTING & AFFIRMING  
REPORT & RECOMMENDATION**

**Case No. 2:19-CV-00334-DAK**

**Judge Dale A. Kimball**

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This case was assigned to United States District Court Judge Dale A. Kimball, who then referred it to United States Magistrate Judge Dustin B. Pead under 28 U.S.C. § 636(b)(1)(B). On November 1, 2019, Magistrate Judge Pead issued a Report and Recommendation, recommending that the court grant Defendant's Motion to Dismiss for Failure to State a Claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. The Report and Recommendation notified Plaintiff that any objection to the Report and Recommendation must be filed within fourteen days of receiving it. Plaintiff filed an objection on November 12.<sup>1</sup>

A Magistrate Judge's Report and Recommendation is subject to *de novo* review by this court. *See* 28 U.S.C. § 636(b)(1)(B); *see also* Fed. R. Civ. P. 72(b). The court has reviewed the Report and Recommendation and the record *de novo*. Because the court remains unpersuaded by Plaintiff's objection, the court agrees with Magistrate Judge Pead's recommendation to dismiss

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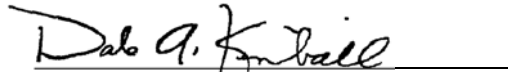
<sup>1</sup> Plaintiff titled his response to the Report and Recommendation as an "Opposition to Defendants Motion to Dismiss for Lack of Jurisdiction and Failure to State a Claim and Defendants Motion to Reassign." After Defendant filed his motions to dismiss back in July, Plaintiff failed to ever submit an opposition. Thus, because the time for filing an opposition has well passed, the court construes Plaintiff's recent filing as an objection to the Report and Recommendation.

the case for failure to state a claim and deny Plaintiff's motion to amend his Complaint. The court finds Plaintiff's objection to be unavailing because (1) it relies primarily on cases applying the pre-*Iqbal* pleading standard; and (2) it does not address or specifically challenge any of Magistrate Judge Pead's legal analysis or conclusions.

Accordingly, the court adopts and affirms Magistrate Judge Pead's Report and Recommendation in its entirety. Defendant's Motion to Dismiss for Failure to State a Claim [ECF No. 6] is hereby GRANTED, and Plaintiff's Motion to Amend [ECF No. 13] is DENIED. Defendant's Motion to Dismiss for Lack of Jurisdiction [ECF No. 5] is therefore moot.

DATED this 15th day of November, 2019.

BY THE COURT:

  
DALE A. KIMBALL  
United States District Judge